

Section 150.02, Title 14, California Code of Regulations is amended to read:

150.02. Control Date for Other Nearshore Species; Control Dates for Other Nearshore Species; Permits to Commercially Take Deeper Water Nearshore Fish Species.

(a) Permit Required. Effective April 1, 2003, aAny person taking, possessing aboard a boat, or landing any species of deeper water nearshore fish species listed in subsection (b) below for commercial purposes shall possess a valid deeper water nearshore species fishery permit issued to that person that has not been suspended or revoked, except that when using a boat to take deeper water nearshore fish species at least one person aboard the boat shall have a valid deeper water nearshore species fishery permit.

(b) Permit Authorization. Notwithstanding Section 8587 of the Fish and Game Code, a deeper water nearshore species fishery permit is required only for the commercial take of the following species of nearshore fish stocks: black rockfish, blue rockfish, brown rockfish, calico rockfish, copper rockfish, ~~monkeyface eel~~, olive rockfish, quillback rockfish and treefish.

(c) Permit Revocation. Deeper water nearshore species fishery permits are revocable.

(d) Fees. The fee for a deeper water nearshore species fishery permit is [\$125-\$1200].

(e) Initial Issuance Criteria. Notwithstanding Section 8587 of the Fish and Game Code, a deeper water nearshore species fishery permit shall be issued only to persons who have made landings that cumulatively total [0-500] pounds of any of the ~~nine~~ eight species for which a deeper water nearshore species fishery permit is required pursuant to subsection (b). Landings must have been made in an individual's name and commercial fishing license identification number and submitted on fish landing receipts to the department pursuant to Section 8043, Fish and Game Code, and must have been made ~~between the dates of from~~ January 1, 1994 ~~and through~~ December 31, 1999. Applications for initial issuance must be received by the department, or, if mailed, postmarked ~~or received by the department by~~ on or before September 30, 2003. Applications received by the department or postmarked from October 1, 2003 through October 31, 2003 must be accompanied by a \$50 late fee.

(f) Appeal. Any applicant who is denied issuance of a deeper water nearshore species fishery permit may appeal the denial to the department in writing describing the basis for the appeal. The appeal shall be received by the department, or, if mailed, postmarked on or before March 31, 2004 ~~or received by the department by~~ December 31, 2003. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's decision.

(g) Renewal.

(1) Applicants seeking renewal of a deeper water nearshore species fishery permit must have held a deeper water nearshore species fishery permit in the immediately preceding permit year.

(2) Applications for renewal of a deeper water nearshore species fishery permit must be received by the department, or, if mailed, postmarked ~~or received by the Department by~~ June 30 ~~on or before~~ April 30 of each permit year. Applications received by the department or postmarked from May 1 through May 31, must be accompanied by a \$50 late fee.

(3) Applications for renewal must be accompanied by evidence that the qualification

requirements specified in subsection (g)(1) have been met.

~~(a) (h)~~ A control date of December 31, 1999 is established for the purpose of developing a ~~limited restricted~~ access commercial nearshore fishery for those persons taking ~~nearshore fish stocks defined pursuant to Section 1.90 deeper water nearshore species nearshore fish stocks not covered under other nearshore control dates or~~ nearshore restricted access programs established in Section 150, Title 14, CCR. Species subject to this control date include only black rockfish, blue rockfish, brown rockfish, calico rockfish, copper rockfish, monkeyface eel, olive rockfish, quillback rockfish and treefish. Landings of these species made after this date may not apply toward qualifying for participation in a future restricted access program for this component of the nearshore fishery.

~~(b) (i)~~ This section does not apply to those nearshore species for which a Nearshore Fishery Permit is required pursuant to Section 150.01.

NOTE

Authority cited: Section 7071, 7852.2, 7858, and 8587.1, Fish and Game Code.

Reference: Sections 7071, 7852.2, 7857, 7858, 8585.5, and 8587.1, Fish and Game Code.

Section 150.04, Title 14, California Code of Regulations is amended to read:

150.04. Control Date for Gear Endorsement Program for ~~Other Nearshore Species. Deeper Water Nearshore Species. Other Nearshore Species~~

(a) A control date of October 20, 2000 is established for the purpose of developing and implementing a gear endorsement program for the commercial nearshore fishery for ~~those persons taking species of nearshore fish stocks defined pursuant to Section 1.90. deeper water nearshore species nearshore fish stocks not covered under other~~ nearshore control dates or nearshore restricted access programs established in Section 150, Title 14, CCR, or Section 150.03, Title 14, CCR. Species subject to this control date include only black rockfish, blue rockfish, brown rockfish, calico rockfish, copper rockfish, monkeyface eel, olive rockfish, quillback rockfish and treefish.

(b) In addition to any other requirements the Commission may adopt, in order to be considered for inclusion in a future gear endorsement program described in subsection (a), ~~persons~~ a person must have made at least one landing of ~~nearshore fish stocks deeper water the nearshore species~~ described in subsection (a). This landing must be in ~~their~~ his/her own name and commercial fishing license identification number on or before the control date in subsection (a) using a specified gear type (traps and/or hook and line and/or nets) as documented by a fish landing receipt prepared pursuant to Fish and Game Code Section 8043 and submitted to the department pursuant to Fish and Game Code Section 8046.

(c) This section does not apply to those nearshore species for which a Nearshore Fishery Permit is required pursuant to Section 150.01.

NOTE

Authority cited: Section 7071 and 8587.1, Fish and Game Code. Reference: Sections 7071, 8043, 8046, 8585.5, 8586, 8587.1, Fish and Game Code.